

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DAVID BOCHENEK,	)	
on behalf of plaintiff and a class,	)	
	)	
Plaintiff,	)	13-cv-7394
	)	
v.	)	Honorable Judge Gettleman
	)	Magistrate Judge Cole
BEAUTE EMERGENTE, LLC,	)	
doing business as	)	
MCADOO COSMETIC SURGERY,	)	
and JOHN DOES 1-10,	)	
	)	
Defendant.	)	

**MOTION TO DECERTIFY CLASS**

NOW COMES plaintiff, David Bochenek, through his counsel, and asks that this Court decertify the class and dismiss this case without prejudice. In support of his motion, plaintiff states as follows:

1. On June 30, 2014 plaintiff filed his first amended complaint in the instant case.
2. On May 22, 2014, this Court granted plaintiff's motion for class certification and certified a class.
3. On January 17, 2014, defendant filed a petition for bankruptcy relief.
4. The bankruptcy court lifted the automatic stay to allow this action to proceed to the extent of any insurance coverage by defendant's carrier, Doctor's Direct Insurance.
5. Doctor's Direct Insurance filed an action for declaratory relief in the Circuit Court of Cook County, asking for judgment that it had no responsibility to cover defendant for the violations alleged in the instant case.
6. The Circuit Court of Cook County ruled that Doctors Direct Insurance was not responsible to cover defendant for the violations alleged in the instant case.
7. The Illinois Appellate Court affirmed the decision of the Circuit Court of Cook County.

8. As there is no insurance coverage available for plaintiff's claim, defendant has no further funds available to recompense plaintiff and the class if plaintiff were to succeed.

WHEREFORE, plaintiff requests that the Court:

- a. Decertify the class certified in this case;
- b. Allow plaintiff to voluntarily dismiss his case without prejudice;
- c. Such other or further relief as the Court deems just and proper.

s/Daniel A. Edelman  
Daniel A. Edelman

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**CERTIFICATE OF SERVICE**

I, Daniel A. Edelman, hereby certify that on July 21, 2015, the foregoing document was filed electronically, and notification of such filing was served via U.S. Mail upon the following:

Beaute Emergente, LLC, doing business as McAdoo Cosmetic Surgery  
c/o James S. McAdoo  
1850 S. Ocean Drive, #2708  
Hallandale Beach, FL 33009

s/Daniel A. Edelman